

AGRICULTURAL PRESERVE AREA REGULATIONS – REQUIRED FINDINGS

GRANGER SOLAR/PHOTOVOLTAIC SOLAR FARM
VALLEY CENTER, CALIFORNIA
OCTOBER 2015

PDS2015-MUP-15-019; ENVN. LOG NO. PDS2015-ER-15-02-006

Proposed Project

The proposed Granger Solar Project (proposed “Project”) site is located in the community of Valley Center, California in north-central San Diego County. The subject site is located just east of Mesa Crest Road, with Avenida Annalie forming the southern property boundary. The County Assessor Number (APN) is 129-162-07, totaling approximately 40 acres.

The Project proponent is preparing an application for development and operation of a photovoltaic (PV) solar farm. The Project requires approval from the County of San Diego for a Major Use Permit (MUP) to allow for the construction, operation, and maintenance of such facilities for the long-term generation of solar energy.

The proposed PV solar facilities would be installed on a portion of the approximately 40-acre property. The fenced MUP boundary would encompass approximately 27 acres. The MUP boundary would include the fenced solar property plus the proposed landscaped screening areas. The unaffected (undeveloped) acreage onsite (approximately 13 acres) would remain in its present state upon implementation of the proposed Project as currently designed.

The point of interconnection (POI) for transmission purposes would occur at an existing utility pole within the Mesa Crest Road right-of-way (ROW) adjacent to the western Project boundary, just north of the proposed Project entry drive. Energy generated by the Project would be delivered to the existing San Diego Gas & Electric (SDG&E) 12 kilovolt (kV) distribution line from the Project site via overhead connection, with ultimate connection to the Lilac Substation (69/12kV), located approximately 1.8 miles to the southwest of the property along Gabler Drive. No offsite improvements to either the existing transmission lines or substation are required or proposed.

The site is subject to a County General Plan land use designation of Semi-Rural Residential (SR-2), with a regional category of Semi-Rural lands. The property is presently zoned A72 (General Agriculture). No changes to either the existing General Plan land use or zoning are proposed with the Project. The proposed Project would be an allowable use under existing conditions with County approval of an MUP.

Agricultural Preserve Area Regulations

Section 5100 through Section 5149 of the San Diego County Zoning Ordinance provide regulations specific to agricultural preserve areas within the County. Such provisions are intended to aid in the implementation of the California Land Conservation Act of 1965 (Government Code Sec. 51200 et seq.) which is aimed at encouraging the preservation of productive agricultural lands for the long-term.

An agricultural preserve designator is applied to those lands within the County that are subject to agricultural use regulations or the S80 (Open Space) use regulation, and which have been designated as being within an agricultural preserve in accordance with the California Land Conservation Act of 1965.

Section 5105, Restrictions on Uses, of the Zoning Ordinance identifies certain restrictions for those lands under contract and those not under contract. Section 5105 states the following:

- a. Lands Under Contract. The uses of land subject to a Land Conservation Act contract shall be restricted to those uses as set forth in the contract.

A groundwater extraction operation which is a legal nonconforming use or approved by a major use permit shall be considered as a use authorized by a Land Conservation Contract.

- b. Lands Not Under Contract. The uses of land not subject to a Land Conservation Act contract shall be as set forth in the applicable use regulations except that:
 1. All uses subject to a Minor Use Permit or a Major Use Permit shall be approved only if a finding is made that the use complies with the provisions of Section 5110.
 2. The Postal Services use type and the Parking Services use type are not permitted.

As stated in Section 5105(b), above, all uses subject to a Minor Use Permit or a Major Use Permit shall be approved only if a finding is made that the use complies with the provisions of Section 5110. Therefore, Section 5110, Required Findings, provides certain findings that must be made for such a project.

As stated above, the proposed PV solar Project is an allowed use under the existing zoning with County approval of an MUP. The Project is evaluated for consistency with the required findings as follows:

Section 5110: Required Findings

No use permit shall be granted unless the following findings are made:

- a. ***State Statute. The proposed use complies with all provisions of the California Land Conservation Act of 1965; and,***

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program requires a 10-year contract between a local government (in this case, the County of San Diego) and a private land owner. While in contract, the subject land is taxed on the basis of its agricultural use (or as open space) rather than its full market value, thereby allowing the landowner a tax benefit. The land becomes subject to certain enforceable restrictions (i.e. agricultural or related open space use), and certain conditions are required to be met prior to approval of an agreement.

The proposed Project would result in development of the site with PV solar facilities for the provision of clean, renewable solar power to the local SDG&E distribution network. The Project site is not subject to a Williamson Act contract or within a designated agricultural preserve.

The subject property is presently zoned A72, General Agriculture. No change to the existing zoning is required or proposed to allow for development of the PV solar facility. The use is an allowed use within the A72 zone with County approval of a MUP. As such, the Project as proposed would not conflict with any provisions of the California Land Conservation Act of 1965. Therefore, the Project would be consistent with this finding.

b. Compatibility with Agricultural Use. The proposed use would not be incompatible with the continued agricultural use of any land within the agricultural preserve. This determination shall include a consideration of the following:

1. Possible increase in vandalism;

The proposed PV solar facilities would be unmanned and would be monitored remotely by NLP Granger Solar, LLC or an affiliated company. Once the solar panels are installed, the panels would operate during daylight hours, seven days per week, and 365 days per year. Security would be maintained through installation of a 7-foot high chain-link fence (maximum 8 feet) with wooden or plastic slats around the perimeter of the MUP development area to limit public views of the equipment.

The entrance would be gated with one double gate of 24 feet in width. The gate would be locked and equipped with a strobe light activation and Knox box key-operated switch.

Four video cameras (one at each corner of the property) would be strategically installed on the security fence for surveillance of the majority of the development area. The video cameras would utilize an internet-based communications system via a phone line or cellular system.

It is not anticipated that the proposed use would result in an increase in vandalism within the surrounding area. The proposed security features would be adequate to ensure that potential damage from vandalism is minimized to the maximum extent feasible. Therefore, the Project would be consistent with this finding.

2. Possible damage from pets;

As a PV solar development, the Project would be unmanned and no residential uses are proposed. The Project would not result in the raising of any livestock or pets or agricultural crops that may potentially attract animals to the site. The Project elements would be constructed of materials such as concrete block, metal, glass, etc. Such materials would not represent elements that would attract pets to the site, and would generally be indestructible and not subject to damage by any such animals. Therefore, the Project would be consistent with this finding.

3. Possibility that use will lead to restrictions on agricultural spraying, noise, or smell; and,

The PV solar development would be unmanned. No residential uses are proposed that would introduce new sensitive receptors to the area that would be susceptible to chemicals used for agricultural uses, increased levels of noise, or any odors generated by other uses within in the vicinity. As such, due to the nature of the proposed use, the Project would not lead to any restrictions with regard to agricultural spraying, noise, or odors. Therefore, the Project would be consistent with this finding.

4. Possible interference with the movement of farm machinery or agricultural products.

No active agricultural uses are present onsite. The site was formerly used to support a container nursery, and remnants of such uses onsite remain to a limited degree. Therefore, operation of farm machinery onsite or export of any agricultural products from the site does not presently occur.

Soils designated as Prime Soils and Farmland of Statewide Importance, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), are present onsite. Development of the Project site with the solar facilities would (temporarily) remove approximately 5.51 acres of such lands from agricultural use (leaving the remaining acreage within the MUP area that is classified as agricultural land as unimpacted). The Project would result in installation of the solar equipment onsite, consisting of foundations (i.e. inverter/transformer and switchgear equipment pads), piling footprints, access driveways, and existing and proposed paved areas (i.e. entrance drive) that would cover a portion of the ground surface, thereby restricting such lands from potential agricultural use during the time that the solar facility remains on the property. Table 1 below provides a breakdown of the agricultural lands that would be impacted by the Project as proposed.

TABLE 1: POTENTIALLY IMPACTED AGRICULTURAL LANDS ONSITE (IN ACRES)

	Fire Access Roads	Equipment Pads	Graded Areas	Foundation Footprints (Pilings/Fence Posts)	TOTAL
TOTAL:	2.3	0.02	3.18	0.01	5.51

Mitigation for impacts to agricultural resources is proposed to occur onsite through dedication of lands (1:1 ratio of impacts to mitigation required, or 5.51 acres) containing the same resources (soils that meet the soil quality for Prime Farmland and Farmlands of Statewide Importance) within an open space easement (within the proposed MUP development area. The preservation of such lands on the property would be limited to the life of the MUP. Alternatively, mitigation could occur in the form of purchase of agricultural credits on offsite lands, pursuant to the County's Purchase of Agricultural Easement (PACE) program, allowing such lands to be preserved only for agricultural-related uses in perpetuity. Such offsite preservation may be by the purchase of an agricultural easement or agricultural land, over an existing agricultural operation.

It should be noted that it would be possible for the proposed MUP area to be utilized for certain agricultural purposes during the life of the Project. As the physical footprint of the Project within

the MUP area would be relatively limited (5.51 acres), the remainder of the MUP area could potentially be utilized to support agricultural activity. The site could be used to grow certain agricultural crops based on appropriate soil types; however, any such crops would need to be maintained to a maximum height of six inches in conformance with County requirements for solar installations and also not highly influenced by intermittent shading of the ground surface by the solar panels. Additionally, a demonstrated ongoing adequate supply of public water would need to be identified for purposes of irrigation. Such uses would generally not require the use of large farm equipment for planting or harvest that would need to maneuver within the panel field. As such, future use of the MUP area for agricultural purposes would not be altogether restricted by the Project as proposed.

Once built, the Project would operate at a minimum for the 20-year life of its Power Purchase Agreement (PPA). It is likely, because much of the needed electrical infrastructure will have been developed, that the Project would continue to be upgraded and used to generate solar energy beyond the term of the initial PPA. Therefore, it is possible that the site would remain in solar energy production for the foreseeable future.

If the Project were ever to be decommissioned, the panels, support structures, and electrical equipment would be removed from the site. Future allowed land uses may include agriculture; however, any proposed land use would be selected at the time of decommissioning and would not be a part of the proposed Project.

The proposed Project would not result in possible interference with the movement of farm machinery or agricultural products. Therefore, the Project would be consistent with this finding.

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